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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,259	03/29/2001	Mark M. Ishikawa	60123.801US01	7236

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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,259

Applicant(s)

ISHIKAWA, MARK M. 

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 have been examined.

Claim Rejections - 35 USC § 112

2. Claim 10 recites the limitation "identifying indicia". Claim 10 is dependent upon claim 9. However, there is insufficient antecedent basis for this limitation in the claim. There is no explicitly stated "identifying indicia" in claim 9. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811).

Claim 1, 7, 9: Angles discloses a method, system for authenticating the distribution of an advertisement for data and a request for the data in response to the advertisement on a network having at least one user computer and one provider computer, wherein the response to the advertisement is preceded by the distribution of the advertisement to the user computer from an advertiser, comprising:

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creating a confirmation code upon the transmission of the advertisement to the user computer; wherein the confirmation code comprises a first user code (col 3, lines 17-29; col 8, lines 8-16);

associating the confirmation code with the advertisement (col 19, lines 7-11);

transmitting a request from the user computer for the data identified in the advertisement to the provider computer (col 20, lines 16-26);

transmitting a second user information piece generated by the transmission protocols to the provider computer (col 20, lines 47-57; col 7, lines 10-42);

transmitting the confirmation code to the provider computer (col 8, lines 7-15);

determining the authenticity of the data request from the user (col 22, lines 41-50).

Angles further discloses a data interface (col 3, lines 24-30; col 20, lines 16-26).

Additionally, the above features are disclosed in the Figures (Fig. 1, Fig. 4, Fig. 7, Fig. 11).

Angles further discloses preassigning a content provider code (col 3, lines 30-40) and uniquely identifying an advertiser (col 21, lines 5-25; col 25, lines 5-8).

Angles does not explicitly disclose that the second user information piece are codes.

However, Angles discloses that the second user information is categorized and grouped (col 20, lines 53-60) and Angles discloses utilizing codes (col 3, lines 23-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Angles's information that is to be grouped and categorized can be in the form of codes. One would have been motivated to do this in order to provide the information in a form that is easily transmittable and easily grouped or categorized.

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Claim 2, 10: Angles discloses a method as claimed in claim 9, wherein determining the authenticity of the data request further comprises comparing a portion of the identifying indicia and the second user code (col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25).

Claim 3, 11: Angles discloses a method as claimed in claim 9.

Angles does not explicitly disclose an advertiser code.

However, Angles discloses a content provider code (col 3, lines 30-40) and uniquely identifying an advertiser (col 21, lines 5-25; col 25, lines 5-8).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Angle's identity identifying codes to Angle's uniquely identifying and advertiser. One would have been motivated to do this in order to provide an effective way to uniquely identify an advertiser.

Claim 4, 12: Angles discloses a method as claimed in 11, wherein the creating of a confirmation code comprises dynamically generating the first user code and combining the first user code and advertiser code (col 19, lines 1-11).

Claim 5: Angles discloses a method as claimed in claim 1, wherein the user computer and provider computers operate in accordance with transmission protocols, and further comprising dynamically generating the second user code via the transmission protocols (col 7, lines 10-42; col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25).

Claim 6, 8: Angles discloses a method as claimed in claim 1, further comprising:

comparing, on the provider computer, a portion of the identifying indicia with the second user code to determine a degree of match; and

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providing, from the provider computer, information regarding the degree of match determined by comparing the portion of the identifying indicia and second user code (col 22, lines 41-50; col 20, lines 47-57; col 11, lines 11-25; col 11, lines 20-25).

Claim 13: Angles discloses a method as claimed in 11, further comprising storing the advertiser code in a database in association with the advertiser (col 21, lines 5-25).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Bezos (6,029,141) discloses sending codes for identifying users and advertisers;
- b. Fortenberry (6,101,485) discloses sending codes for identifying users and advertisers;
- c. Smith (6,018,748) discloses sending codes for identifying users and advertisers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD

4/29/04

Arthur M. M. M.